

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DISTRICT 6 HEALTH FUND and its TRUSTEES,

Plaintiffs,

-against-

08 CV 0263  
DEFENDANT'S  
REQUEST FOR  
ENLARGEMENT

WEBER MANAGEMENT d/b/a SADELITE AGENCY OT TIME  
MS, INC. a/k/a WEBER MANAGEMENT INC. a/k/a WEBER  
MANAGEMENTPAYROLL INC. a/k/a SADELITE  
AGENCY/MS INC.,

Defendants.

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**DEFENDANT'S REQUEST FOR ENLARGEMENT OF TIME TO RESPOND TO  
PLAINTIFF'S COMPLAINT**

NOW COMES the Defendant, WEBER MANAGEMENT d/b/a SADELITE  
AGENCY MS, INC. a/k/a WEBER MANAGEMENT INC. a/k/a WEBER  
MANAGEMENT PAYROLL INC. a/k/a SADELITE AGENCY/MS INC.,  
by its undersigned counsel, and pursuant to the provisions of Rule 6(b)(1) of the Federal  
Rules of Civil Procedure, requests the Court to enter an order enlarging, to and including  
March 25, 2008, the time to respond to the Plaintiff's complaint. In support of this  
request,<sup>1</sup> Defendant represents as follows:

1. That the response of the Defendant to the Plaintiff's complaint is due on  
February 26, 2008.
2. That the defendant needs additional time to investigate and respond to the  
claims contained in the complaint.

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<sup>1</sup> The defendant seeks this adjournment and enlargement of time pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure "before the expiration of the period originally prescribed *or as extended by previous order.*" That Rule provides that an enlargement may be sought under such circumstances "*with or without motion or notice,*" i.e., by a timely "request." In contrast, an enlargement sought "*after the expiration of the specified period,*" may, under Rule 6(b)(2) of the Federal Rules of Civil Procedure, be sought only "*upon motion.*" Thus, this request is properly distinguished from a motion.

3. That the attorneys for the parties have entered into a stipulation to enlarge the defendant's time to answer or otherwise respond to the complaint to and including March 25, 2008 subject to the approval of the Court. A copy of the said stipulation was filed with the Orders and Judgments Section.
4. Attached hereto as Exhibit A is a proposed order enlarging the Defendant's time to respond to the complaint.

BEILIS & POLS, P.C.  
Attorneys for the Defendant

By: \_\_\_\_\_s\_\_\_\_\_  
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MANAGEMENTPAYROLL INC. a/k/a SADELITE  
AGENCY/MS INC.,

Defendants.

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**ORDER**

The Defendant having requested an enlargement of time in which to serve a response to the Plaintiff's complaint until March 25, 2008, and good cause having been shown,

IT IS THEREFORE ORDERED THAT the Defendant's response is to be served by March 25, 2008.

Dated: \_\_\_\_\_

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Hon. Robert W. Sweet  
United States District Judge  
Southern District of New York